



BECR ANNUAL REPORT: CHILD CARE LICENSING AND CERTIFICATION ACTIVITY January – December 2021

The mission of the Bureau of Early Care Regulation (BECR) is to promote and protect the health, safety and welfare of children in child care settings. BECR works to ensure licensing requirements are met through inspections of licensed family and group child care centers, day camps, public-school operated programs, and Milwaukee County certified child care programs. BECR provides training and consultation to child care certifiers employed by counties, tribes and subcontracted agencies outside of Milwaukee County.

Types of regulated child care include:

- Certified Family Child Care (care for up to 3 children under age 7, but may care for a group maximum of 6 that includes day care children ages 7 and older and/or the provider's own/related children under the age of 7)
- Licensed Family Child Care (up to 8 children under the age of 7)
- Licensed Group Child Care (9 or more children under the age of 7)
- Day Camp (seasonal program for 4 or more children ages 3 and older)
- Public-school operated child care programs (operated by or under contract with public school districts)

Together licensed, certified and public-school operated child care programs served more than 271,000 Wisconsin children in 2021.

2021 Summary

- BECR conducted over 9,300 visits, including on-site monitoring and remote virtual visits to licensed and public school operated programs. Licensing staff verified compliance with administrative rules, provided technical assistance, completed nearly 1,400 complaint investigations of licensed and unlicensed programs, and reviewed and closed over 5,400 self-reported incidents, injuries, and communicable diseases (e.g. related to the COVID-19 pandemic) involving a child in licensed care.
- Licensing specialists resumed normal monitoring activities but continued to monitor COVID-19 transmission. However, they followed pandemic protocols in areas with high transmission, such as wearing protective equipment when entering centers and utilizing virtual visits when appropriate.
- BECR issued more than 800 enforcement actions.
- Certifiers completed over 700 monitoring activities to more than 480 certified child care providers.



- BECR licensing specialists reviewed nearly 1.8 million rules at licensed child care centers. Approximately 99% of the rules reviewed by BECR were met by licensed centers, with 1% resulting in a violation.
- BECR staff completed 29,876 annual DOJ background checks and 19,425 FBI fingerprint background checks in 2021.
- Ten computer-based training modules for licensing staff are offered on the internal DCF training website. Topics include use of authority, vehicle safety alarms, complaint investigations and enforcements. Additional training addressing background checks is accessible on the public Child Care Background Check website.

The remainder of this report provides information on numbers of regulated child care centers, capacity, estimated number of children served, new applications, monitoring, complain, and enforcement activity, serious injuries and deaths, frequently cited violations, and background checks.

Licensed Providers, Capacity and Estimated Enrolled Children

As of December 31, 2021, there were 3,839 licensed child care centers and day camps in Wisconsin. Of the 3,839 licensed centers, 57% (2207) were licensed group centers, 40% (1526) were licensed family centers and 3% (106) were licensed day camps. The overall number of licensed child care facilities operating in 2021 decreased by less than 1% compared to the number of facilities operating in 2020 (3,848). The number of group child care centers and family child care centers decreased by less than 1% between 2020 and 2021 respectively. The number of day camps increased by seven programs.

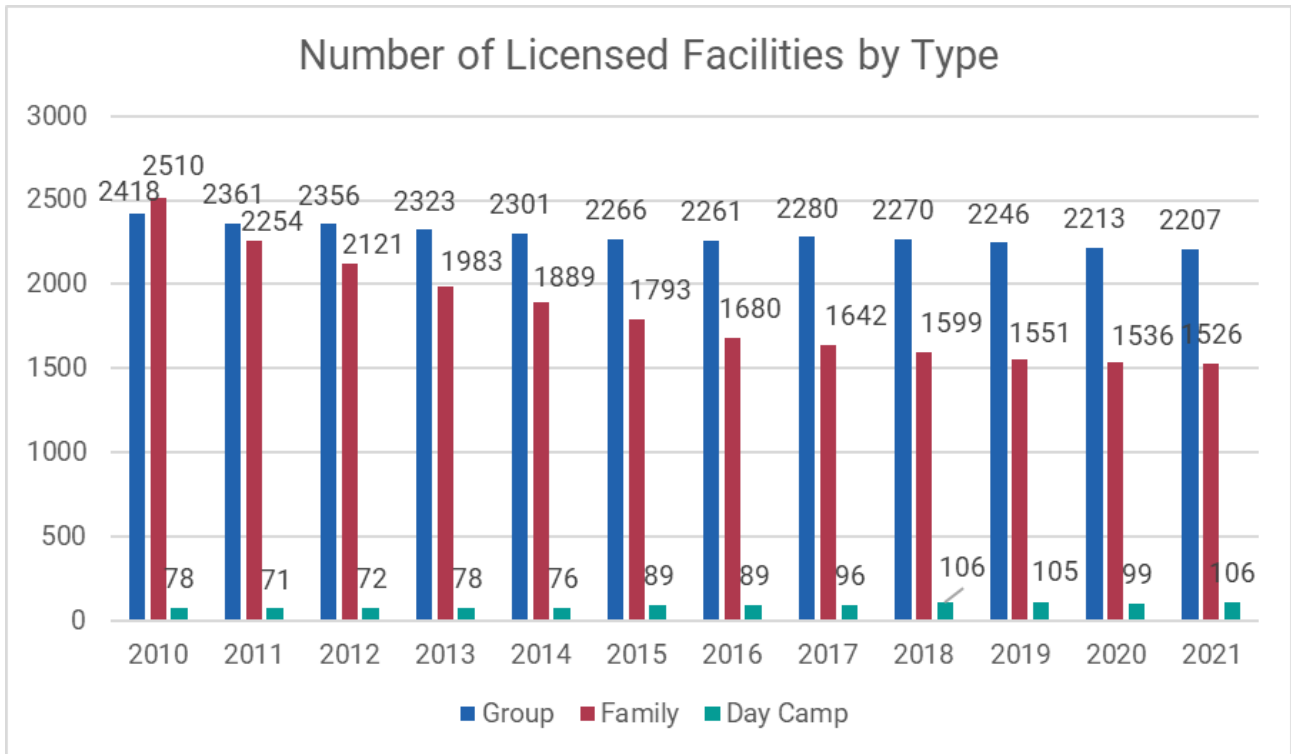
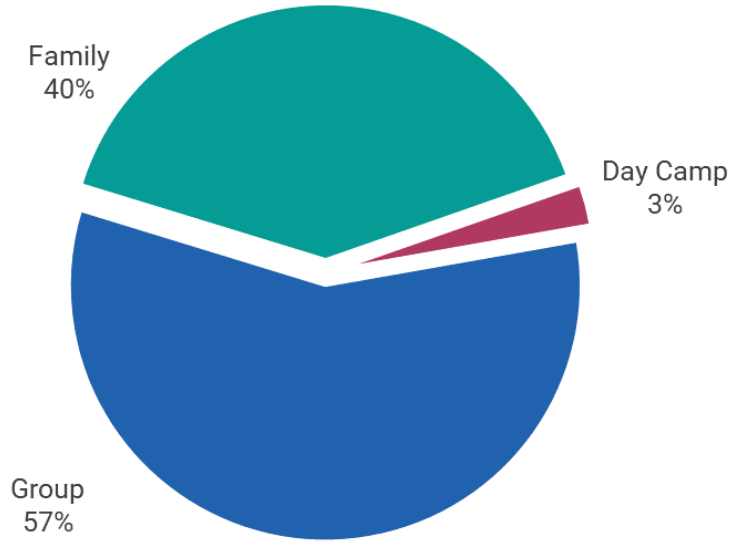
An estimated 231,550 children were served in licensed child care centers and day camps in 2021. The following charts show the number of licensed providers and capacity in 2021, estimated enrolled children, and the change over time in number and total capacity of providers. Actual capacity and enrollment fluctuated greatly throughout the pandemic due to programs closing temporarily and extreme staffing shortages.

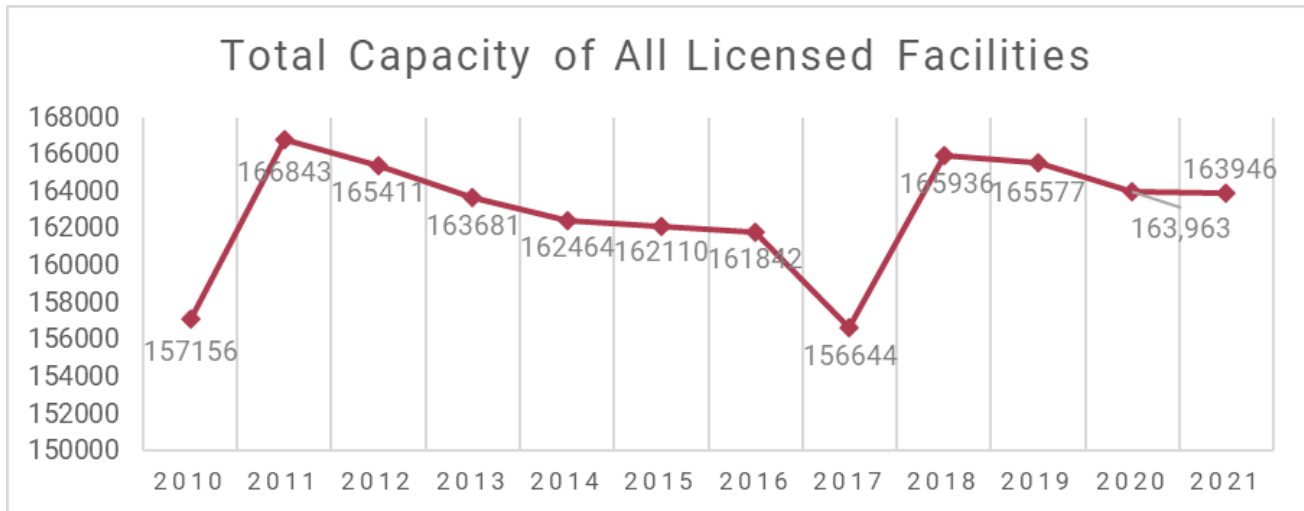
	Total No. of Providers	Total Daytime Capacity	Total Night-time Capacity	Estimated Number of Enrolled Children*
Licensed Group	2,207	142,500	7,930	200,072
Licensed Family	1,526	12,127	2,222	19,084
Licensed Day Camps	106	9,319	0	12,394
TOTAL	3,839	163,946	10,152	231,550

**The estimated number of enrolled children in licensed care is calculated by multiplying licensed capacity by 1.33. Due to part-time care, licensed slots are often filled by more than one child.*



Licensed Child Care in Wisconsin





Public-School Operated Programs

Wisconsin’s public-school operated programs are child care programs operated by or under contract with public school districts. Pursuant to Wis. Stat. § 120.13(14), a child care program established and provided by a school board is not required to be licensed but must comply with the applicable child care licensing standards governing the operation of licensed group child care centers. BECR is the designated state agency responsible for monitoring public-school operated programs receiving Wisconsin Shares. As of December 31, 2021, there were 223 public-school operated programs subject to annual monitoring by BECR licensing specialists. These programs had a capacity of 25,692 and served approximately 34,170 children.

New Applications

During 2021, the BECR regional office staff received and processed 447 new applications for licensure, an increase of nearly 29%. Of these applications, BECR approved 372 of them (83%). There were 223 applications to provide certified care during this same period, an increase of 12%. Of these applications, 150 applications (67%) were approved.

Licensing Monitoring Activities

There are 51 BECR licensing/certification specialists (48.3 full-time equivalent) responsible for monitoring licensed centers, public-school operated programs and Milwaukee County certified providers. Each specialist’s caseload includes a mix of providers. As of December 2021, the average caseload is 85 child care programs per specialist.



Throughout the year, BECR staff is involved in opening new and relocated licensed child care centers, closing licensed centers and conducting routine monitoring of others. Child care centers and camps must be visited at least once per year by a licensing specialist to monitor for compliance with the administrative rules. In practice, the average number of visits to centers is nearly two per year. Licensing specialists resumed monitoring health and safety rules identified as critical to the protection of children in care in October 2021.

BECR completed 8,672 monitoring activities for licensed and public-school operated programs to monitor, provide technical assistance, verify compliance, review accident/incident reports and investigate complaints. An additional 103 visits were made to unregulated child care locations in response to allegations of unlicensed care. In addition, licensing specialists attempted 535 visits for which they were unable to gain entry during the center’s licensed hours of operation. The following table shows the number of visits/reviews of child care providers in 2021 by reason type.

Purpose of the Visit/Review	Number
Monitoring for Licensing	4,473
Complaint Regarding Licensed Center	1,249
Desk Review – Background Check	763
Desk Review – Licensing	738
Other Contact/No Site Visit	611
Initial Licensing Study	553
Attempted Visit	535
Technical Assistance for Licensed Facility or Public-School Operated Program	142
Complaint Regarding Unlicensed Center	103
Offsite Record Review	78
Enforcement Action Compliance Verification	57
License Amendment	49
Pre-licensing Technical Assistance	22
Verification of CFS-294	22
Vehicle Alarm Check Only	18
TOTAL NUMBER OF VISITS/REVIEWS	9,413

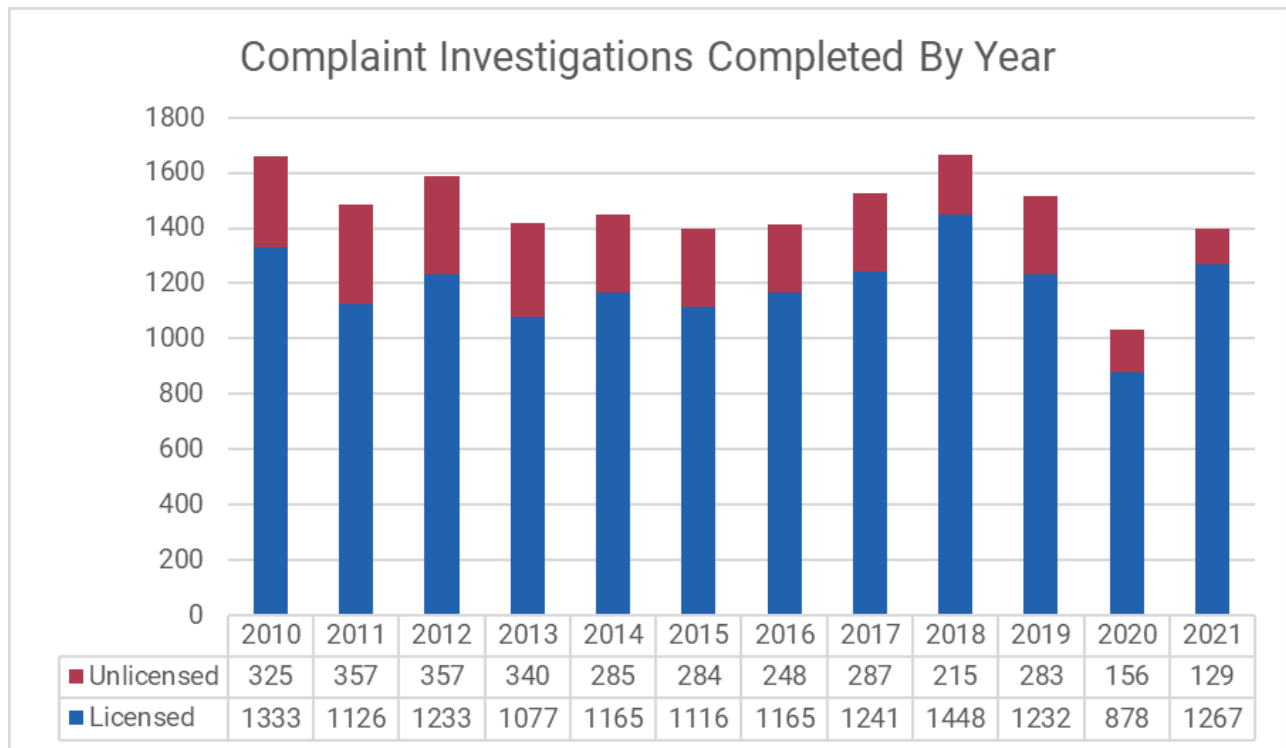


Complaints

BECR received 1,267 complaints concerning licensed child care centers in 2021. This compares to 882 complaints in 2020, an increase of 44% between 2020 and 2021. In 2021, BECR substantiated 524 complaints regarding licensed child care, while 743 complaints were unsubstantiated. A complaint is considered substantiated when at least one of the allegations contained in the complaint results in issuance of a rule violation. BECR received 129 complaints alleging unlicensed child care in 2021. BECR closed 122 of these complaints, with 81 unsubstantiated and 41 substantiated.

The following two charts reflect the number and status of complaints, and the variation in number of complaints over time.

	Received	Closed	Substantiated	Unsubstantiated
Unlicensed Complaints	129	122	41 (34%)	81 (66%)
Licensed Complaints	1,267	1,058	450 (43%)	608 (57%)

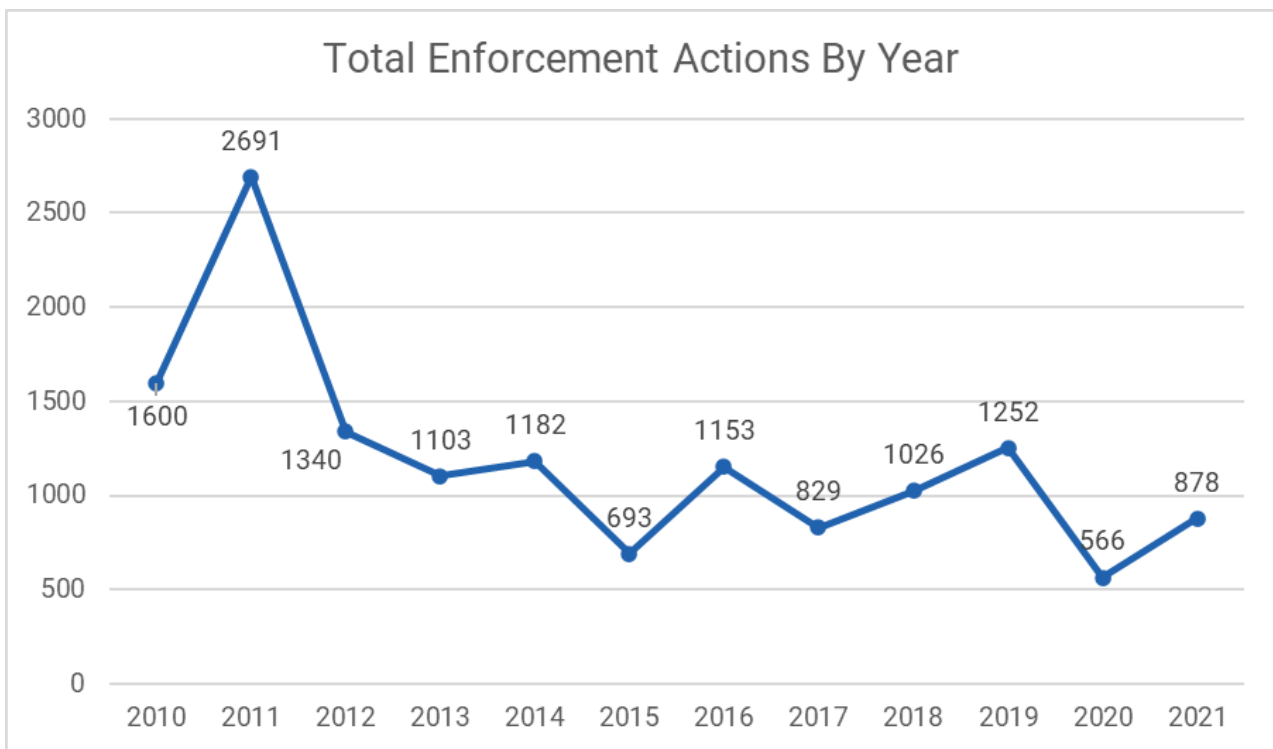




Licensing Enforcement Actions

Enforcement actions are initiated when, because of the severity of violations and/or a pattern of repeated violations, the health, safety and welfare of children in care is at risk. Progressive enforcement refers to a series of actions taken to gain compliance with administrative rules when previous efforts, such as citing the violation or providing technical assistance, have not worked. Enforcement actions are authorized in statute and can ultimately lead to revocation of a license.

In 2021, there were 878 enforcement actions. The following two charts show total number of licensing enforcement actions since 2010 and the types of enforcement actions issued in 2021.



Note: Warning Letters issued to licensees for failing to submit an annual Background Information Disclosure form, a new statutory requirement at that time, caused the significant spike in 2011.



Licensing Enforcements Issued in 2021	
Orders/Stop Operating Orders	344
Warning Letters	214
Forfeitures/Direct Forfeitures	181
Revocations	101
Second Probationary License Due to Noncompliance	13
Denials	19
Summary/Temporary Suspensions	6
TOTAL	878

Most Frequently Cited Licensed Child Care Rule Violations

In 2021, the top five most frequently cited rule violations in **licensed family child care centers** were:

- Child Record – Enrollment and Health History Forms
- Staff File – Background Check Results
- Current, Accurate Daily Attendance Record
- Biennial Training – Child Abuse and Neglect
- Emergency Plans – Practice

In 2021, the top five most frequently cited rule violations in **licensed group child care centers** were:

- Staff Record – Completed Background Check
- Cardiopulmonary Resuscitation Training
- Staff Record – Physical Examination
- Child Tracking Procedure
- Biennial Training – Child Abuse and Neglect

In 2021, the top five most frequently cited rule violations in **day camps** were:

- Staff File – Background Check Results
- License Continuation – Time Frame to Submit Materials
- Cardiopulmonary Resuscitation Training
- Current, Accurate Daily Attendance Record
- Child Record – Enrollment Information (tie)
- Staff File – Pre-Camp Training (tie)

Attachment A provides a listing of the twenty most frequently cited licensed child care rule violations in family and group centers and day camps in 2021.

Serious Injuries and Deaths in Child Care

In the Child Care Development Fund (CCDF) 2020 State Plan a serious injury was defined as any injury that requires medical attention. Using that serious injury definition, BECR reported an average of 1,300 serious injuries per year. This number grossly overstates *serious* injuries occurring to children in Wisconsin's regulated child care centers, providing an inaccurate picture of the risks to children in care.

As a result, the definition of serious injury was updated in 2021 to more clearly delineate reporting requirements under CCDF. Effective January 1, 2021, the new definition of serious injury is as follows:

For the purposes of child care regulation, the Department has expanded the definition of "serious injury" beyond that which is contained in §48.981, Wis. Stats.

A "serious injury" is:

- a. Death or substantial risk of death,
- b. A broken or fractured bone,
- c. A concussion,
- d. Any other injury that requires medical treatment from a physician, dentist, registered nurse, licensed practical nurse, paramedic, physician assistant, or emergency medical technician.

Under the refined definition, there were 777 serious injuries in licensed, public school operated programs, and certified child care centers during 2021. Fifteen referrals for child protective services investigation resulted in a substantiated finding of child abuse or neglect.

Number and Capacity of Certified Child Care Centers

As of December 31, 2021, there were 489 certified family child care providers. This is a decrease from 504 providers in 2020. An estimated 2,934 children were served in certified child care in 2021. The following table shows the number of certified child care centers and estimated number of children enrolled in certified care in 2021.

	Total No. of Providers	Maximum Group Size	Allowable Number of Children Under the Age of 7	Estimated Number of Enrolled Children*
Certified Family	489	6	3	2,934

**The estimated number of enrolled children in certified family care is calculated by multiplying the number of providers by the maximum group size of 6.*



Certified Provider Monitoring

Monitoring of certified family child care is conducted by BECR licensing specialists for Milwaukee County certified programs and certifiers employed by the counties, tribes and subcontracted agencies in the balance of the state. Certifiers completed 736 monitoring activities of certified centers in 2021 to monitor, provide technical assistance, verify compliance, and investigate complaints. Certified providers must receive one unannounced monitoring visit each year. Additionally, certifiers completed 166 reviews of programs. In addition to the 902 monitoring activities certified centers in 2021, certifiers attempted 105 visits to centers throughout the year but were unable to gain access.

The following table shows the number of visits made to certified child care centers in 2021 by reason type.

Purpose of the Visit	Number
Annual Visit/Monitoring/294 Verification/Other	312
Desk Review/Off Site Record Review/No Site Visit/Other Contact	166
Initial Provider Visit	161
Re-Certification Visit	137
Attempted Visit	105
Complaint Visit	61
Relocation Visit	25
Expired Re-Certification Visit	16
Technical Assistance Visit	13
Vehicle Alarm Check	11
TOTAL	1,007

The following table shows the enforcement actions issued to certified programs in 2021 by enforcement type.

Certification Enforcements Issued in 2021	
Warning Letters	18
Revocations	13
Suspensions	7
Denials	5
TOTAL	43

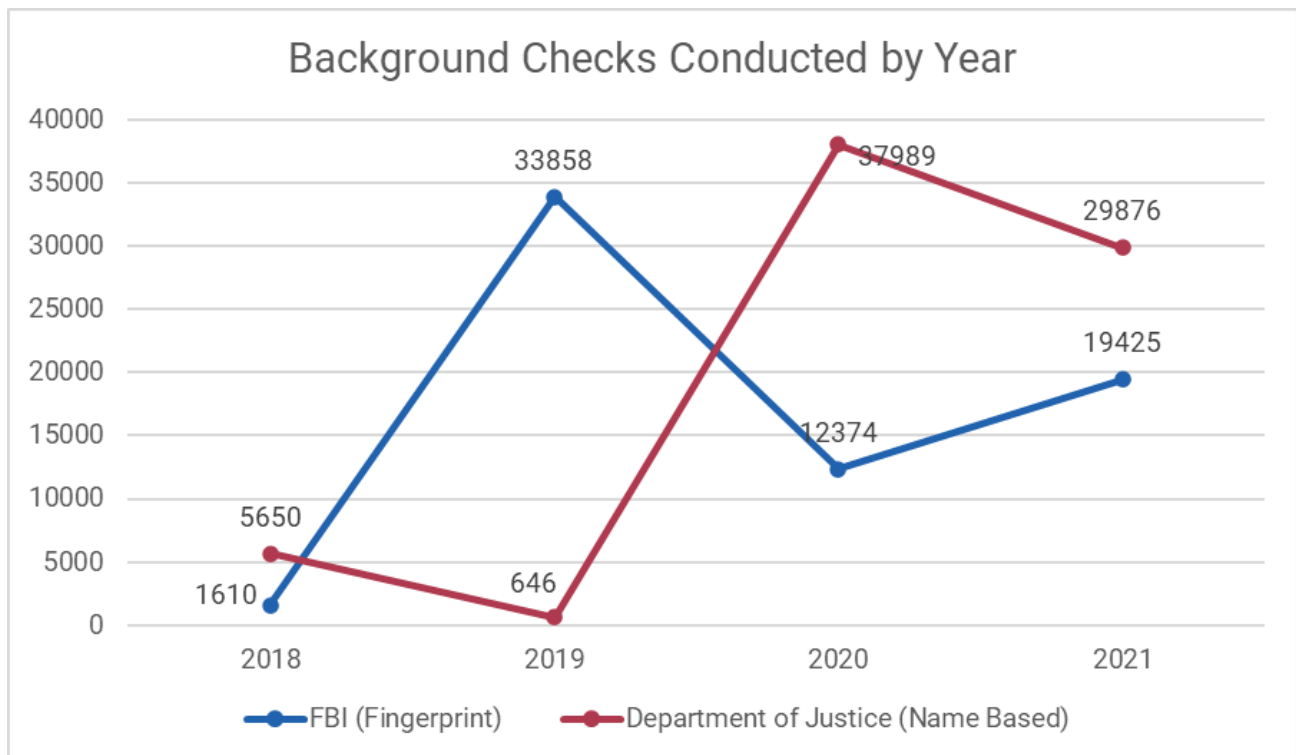


Child Care Background Check History

As of October 1, 2018, the BECR Child Care Background Unit (CBU) implemented new background check provisions required under the federal Child Care Development and Block Grant Reauthorization Act of 2014. All licensees and operations of child care centers, caregiver and noncaregiver employees, and household members age 18 or older must undergo a DCF fingerprint background check every five years to be eligible to operate, work at, or reside in a child care center. In 2019, the single largest number of FBI background checks were processed by the CBU to bring all centers into compliance with existing staff and household members.

Background Check Process and Progress in 2021

During 2021, the CBU completed 19,425 FBI fingerprint background checks and 29,876 name-based Wisconsin Department of Justice background checks. The CBU issued enforcements to 135 child care programs as a result of noncompliance with background check requirements.





Attachment A
Twenty Most Frequently Licensing Rule Violations – 2021

Violation Code	Description	Total
251.05(2)(a)2.	STAFF RECORD - COMPLETED BACKGROUND CHECK	641
251.05(3)(c)	CARDIOPULMONARY RESUSCITATION TRAINING	311
251.05(2)(a)3.a.	STAFF RECORD - PHYSICAL EXAMINATION	310
250.04(6)(a)1.	CHILD RECORD - ENROLLMENT & HEALTH HISTORY FORMS	244
251.055(1)(f)	CHILD TRACKING PROCEDURE	243
250.05(2)(b)	STAFF FILE - BACKGROUND CHECK RESULTS	238
250.04(6)(b)	CURRENT, ACCURATE DAILY ATTENDANCE RECORD	237
250.04(8)(b)	BIENNIAL TRAINING - CHILD ABUSE & NEGLECT	235
251.04(8)(b)	BIENNIAL TRAINING - CHILD ABUSE & NEGLECT	232
251.055(1)(a)	SUPERVISION OF CHILDREN	216
251.07(6)(dm)4.	MEDICAL LOG - REVIEWING INJURY RECORDS	215
251.11(4)(b)	CONTINUATION LICENSE - APPLICATION MATERIALS SUBMISSION	197
250.06(3)(b)	EMERGENCY PLANS - PRACTICE	181
250.11(5)(b)	CONTINUATION LICENSE - APPLICATION MATERIALS SUBMISSION DATE	180
251.06(2)(d)	ACCESS TO MATERIALS POTENTIALLY HARMFUL TO CHILDREN	170
250.06(2)(c)	ACCESS TO MATERIALS POTENTIALLY HARMFUL TO CHILDREN	169
250.04(6)(a)4m.	CHILD RECORD - IMMUNIZATION HISTORY COMPLIANCE	165
251.09(1)(c)	INFANT & TODDLER - DOCUMENTING CHANGES IN DEVELOPMENT	159
251.04(6)(b)	CURRENT, ACCURATE DAILY ATTENDANCE RECORD	152
250.05(3)(e)2.	PROVIDER TRAINING - CURRENT CPR CERTIFICATE	148
251.05(2)(a)4.a.	STAFF RECORD - REGISTRY CERTIFICATE	66